

MAY 23 2002  
PATENT & TRADEMARK OFFICE

RCEY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:

DI PIERRO

Application No.: 09/781,301

Group Art Unit: 1651

Filed: February 13, 2001

Examiner: M. Flood

For: COSMETIC COMPOSITIONS  
HAVING RETARDING ACTION OF  
THE REGROWTH OF  
SUPERFLUOUS HAIR

Attorney Docket No.: 7914-073

**RESPONSE TO NOTICE OF IMPROPER  
REQUEST FOR CONTINUED EXAMINATION (RCE)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Improper Request for Continued Examination (RCE), mailed March 29, 2002, a copy of which is attached hereto, Applicants respectfully request that the Request for Continued Examination ("RCE") filed on March 18, 2002 be treated as a continuation application.

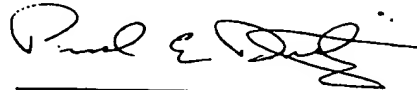
On March 18, 2002, Applicants filed a Petition for Extension of Time with provision for the appropriate fee and a RCE transmittal also with provision for the appropriate fee. The RCE, however, was filed when prosecution of the above-identified application was not closed. Accordingly, Applicants should have filed a continuation application. Applicants, by virtue of filing the RCE, obviously intended to keep the above-identified application pending. Therefore, Applicants respectfully request that the RCE filed in the above-identified matter on March 18, 2002 be treated as a continuation application. In accordance with instructions from Examiner Rene Pettus, in a telephone discussion on April 4, 2002, Applicants are filing herewith a Continuation Transmittal, with a copy of the application and declaration, a preliminary amendment, and an IDS to perfect the filing of the continuation application.

Applicants also enclose herewith a Request for Refund Under 37 C.F.R. § 1.128(a) to refund the filing fee for the RCE filed on March 18, 2002.

No fee is believed to be due for this submission. Should any fee be required, please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date April 8, 2002



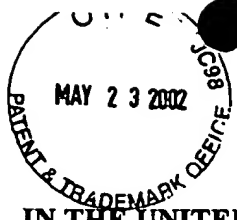
45,627

Paul E. Dietze

(Reg. No.)

For: Thomas G Rowan (Reg. No. 34,419)

**PENNIE & EDMONDS LLP**  
1667 K Street, N.W., Suite 1000  
Washington, D.C. 20006  
(202) 496-4400



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: DI PIERRO

Appl. No.: 09/781,301

Art Unit: 1651

Filed: February 13, 2001

Examiner: FLOOD, M.

For: COSMETIC COMPOSITIONS HAVING  
RETARDING ACTION OF THE  
REGROWTH OF SUPERFLUOUS HAIR

Attorney Docket No: 7914-090

**REQUEST FOR REFUND UNDER 37 CFR § 1.28(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

US PATENT & TRADEMARK  
OFFICE  
RECEIVED  
MAY 23 2002

Sir:

The Request, filed April 8, 2002, to convert the Request for Continued Examination ("RCE"), filed March 18, 2002, to a Continuation Application was denied by USPTO on April 29, 2002. Accordingly, Applicants request a refund in the amount of \$740.00.

Respectfully submitted,

Date May 23, 2002

Paul E. Dietze, Esq.

For: Thomas G. Rowan

Reg. No. 45,627

Reg. No. 34,419

**PENNIE & EDMONDS**

1667 K Street, N.W., Suite 1000  
Washington, D.C. 20006-1605

(202) 496-4400

Enclosure

DEP 3 REF  
Room 307  
#141 Reg for  
Refund  
07-05-02



**PENNIE & EDMONDS LLP**

COUNSELLORS AT LAW

1667 K Street, N.W.  
Washington, D.C. 20006  
(202) 496-4400

ATTORNEY DOCKET NO. 7914-092

Date: May 23, 2002

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): **Francesco DI PIERRO**

Executed on: Unexecuted

Title of Invention: **COSMETIC COMPOSITIONS HAVING RETARDING ACTION ON THE REGROWTH OF SUPERFLUOUS HAIR**

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	22	-20	2	\$18.00 each	\$ 36.00
Independent	1	-3	0	\$84.00 each	\$ 0.00
Minimum Fee					\$ 740.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 0.00
Total					\$ 776.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					- \$ 0.00
Total Filing Fee					\$ 776.00

- ☐ **DO NOT PUBLISH.** I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
- ☒ Priority of application no. MI2000A000628 filed on March 24, 2000 in Italy is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application has been filed in application no. 09/781,301 filed February 13, 2001.
- ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation-in-part of application no. filed .

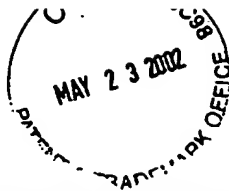
enclosed.

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is

Respectfully submitted,

Paul E. Dietze  
For: Thomas G. Rowan  
PENNIE & EDMONDS LLP

(Reg. No. 45,627)  
(Reg. No. 34,419)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

DI PIERRO

Appl. No.: 09/781,301

Art Unit: 1651

Filed: February 13, 2001

Examiner: FLOOD, M.

For: COSMETIC COMPOSITIONS HAVING  
RETARDING ACTION OF THE  
REGROWTH OF SUPERFLUOUS HAIR

Attorney Docket No: 7914-073

**REQUEST FOR REFUND UNDER 37 CFR § 1.28(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

On March 18, 2002, Applicants filed a Request for Continued Examination ("RCE") with provision for the appropriate fee. The RCE, however, was filed when prosecution of the above-identified application was not closed and the RCE was deemed to be improper. Accordingly, Applicants request a refund in the amount of \$740.00.

Respectfully submitted,

Date April 3, 2002

For: Paul E. Dietze, Esq.  
Thomas G. Rowan

Reg. No. 45,627  
Reg. No. 34,419

**PENNIE & EDMONDS**  
1667 K Street, N.W., Suite 1000  
Washington, D.C. 20006-1605

(202) 496-4400

Enclosure

Please type a plus (+) inside this box - ☒

MAY 23 2002

PTO OFFICE

PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

7914-092

Total Pages

17

First Named Inventor or Application Identifier

F. DI PIERRO

Express Mail Label No.

N/A

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
Submit an original, and a duplicate for fee processing
2. ☒ Specification (preferred arrangement set forth below) [Total Pages 15]
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description of the Invention (including drawings, if filed)
  - Claim(s)
  - Abstract of the Disclosure
3. ☐ Drawing(s) (35 USC 113) [Total Sheets   ]
4. ☒ Oath or Declaration (Unexecuted) [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No: 09/781,301 filed February 13, 2001.

## 18. CORRESPONDENCE ADDRESS

Customer Number: 20582



(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

NAME

ADDRESS

CITY

STATE

ZIP CODE

COUNTRY

TELEPHONE

FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.